



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1995

Ms. Alesia L. Sanchez
Legal Assistant
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR95-483

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31779.

The Texas Department of Insurance (the "department") received a request for a copy of the registration statement of the holding company of United Services Automobile Association ("USAA"). You assert that the requested information is excepted from required public disclosure pursuant to section 552.101 of the Government Code. You submitted to this office the first page of the "Insurance Holding Company System Consolidated Registration Statement" filed with the department by USSA.

Section 552.101 of the Government Code excepts from required public disclosure information that is deemed confidential by law, including information that is deemed confidential by statutory law. You raise section 10 of article 21.49-1 of the Insurance Code, which provides in relevant part as follows:

all information reported pursuant to Section 3 [of article 21.49-1 of the Insurance Code], shall be given confidential treatment and shall not be subject to subpoena and shall not be made public by the commissioner or any other person except to insurance departments of other states, duly authorized law enforcement officials, any district attorney of this state, the attorney general, and any grand jury, in the official conduct of the respective duties of those persons, without the prior written consent of the insurer to which it pertains

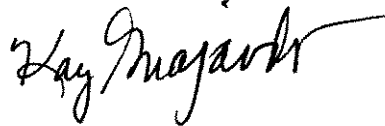
unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

Section 3 of article 21.49-1 requires every insurer which is authorized to do business in the state of Texas and which is a member of an insurance holding company system to file a registration statement with the Commissioner of Insurance. You inform us that the requested information was reported pursuant to section 3 of article 21.49-1 of the Insurance Code. The requestor here is evidently not one of the persons authorized by section 10 to receive the requested information. Nor has the commissioner complied with the procedural requirements of section 10 for the release of a section 3 registration statement. Accordingly, we conclude that the information is deemed confidential under section 10 of article 21.49-1 of the Insurance Code. Therefore, the department must withhold this information from required public disclosure pursuant to section 552.101 of the Government Code.

In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID31779

Enclosure: Submitted document

cc: Ms. Mary Kathryn Palladino
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(w/o enclosure)